

**ASSEMBLY BILL**

**No. 1658**

**Introduced by Assembly Member Jerome Horton**

February 22, 2005

---

An act to amend Section 5485 of the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 1658, as introduced, Jerome Horton. Outdoor advertising.

The Outdoor Advertising Act regulates the placement of billboards and other similar outdoor advertising displays. Advertising displays in violation of these regulations are subject to certain penalties and other enforcement actions by the Department of Transportation or a city or county.

This bill would require a notice of violation to be sent to the owner of the land on which a nonconforming advertising display is located, as well as to the owner of the display if known and the advertising party, all of whom would be jointly and severably liable for the penalties.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 5485 of the Business and Professions
- 2 Code is amended to read:
- 3 5485. (a) (1) The annual permit fee for each advertising
- 4 display shall be set by the director.
- 5 (2) The fee shall not exceed the amount reasonably necessary
- 6 to recover the cost of providing the service or enforcing the

1 regulations for which the fee is charged, but in no event shall the  
2 fee exceed one hundred dollars (\$100). This maximum fee shall  
3 be increased in the 2007–08 fiscal year and in the 2012–13 fiscal  
4 year by an amount equal to the increase in the California  
5 Consumer Price Index.

6 (3) The fee may reflect the department’s average cost,  
7 including the indirect costs, of providing the service or enforcing  
8 the regulations.

9 (b) If a display is placed or maintained without a valid,  
10 unrevoked, and unexpired permit, the following penalties shall be  
11 assessed:

12 (1) If the advertising display is placed or maintained in a  
13 location that conforms to the provisions of this chapter, a penalty  
14 of one hundred dollars (\$100) shall be assessed.

15 (2) If the advertising display is placed or maintained in a  
16 location that does not conform to the provisions of this chapter or  
17 local ordinances, and is not removed within thirty days of written  
18 notice from the department or the city or the county with land use  
19 jurisdiction over the property upon which the advertising display  
20 is located, a penalty of ten thousand dollars (\$10,000) plus one  
21 hundred dollars (\$100) for each day the advertising display is  
22 placed or maintained after the department *or a city or a county*  
23 sends written notice shall be assessed. *The written notice shall be*  
24 *sent to the owner of the land where the display is placed, to the*  
25 *owner of the physical display, if known, and to the advertising*  
26 *party, all of whom shall be jointly and severably liable for the*  
27 *penalties under this paragraph.*

28 (c) In addition to the penalties set forth in subdivision (b), the  
29 gross revenues from the unauthorized advertising display that are  
30 received by, or owed to, the applicant and a person working in  
31 concert with the applicant shall be disgorged.

32 (d) The department or a city or a county within the location  
33 upon which the advertising is located may enforce the provisions  
34 of this section.

35 (e) Notwithstanding any other provision of law, if an action  
36 results in the successful enforcement of this section, the  
37 department may request the court to award the department its  
38 enforcement costs, including, but not limited to, its reasonable  
39 attorneys’ fees for pursuing the action.

- 1 (f) It is the intent of the Legislature in enacting this section to
- 2 strengthen the ability of local governments to enforce zoning
- 3 ordinances governing advertising displays.

O